

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

United States of America

vs.

Criminal No. 03-cr-10362-PBS

Christopher Sugar

**Defendant's Motion to Continue Suppression Hearing**

NOW COMES the defendant in the above-entitled matter and hereby moves, by and through undersigned counsel, that the hearing in this matter presently scheduled for May 18, 2004, be continued to a date convenient to the Court. As grounds therefore, defense counsel continues to seek discovery materials from the government and cannot adequately prepare for the suppression hearing without those materials.

The delay is excludable pursuant to 18 U.S.C. § 3161(h)(8)(A). Please see the attached affidavit.

Respectfully submitted,  
Christopher Sugar  
By his attorney

  

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Criminal No. 03-cr-10362-PBS

Christopher Sugar

**Defendant's Affidavit in Support of Motion to Continue Suppression Hearing**

**DECLARATION OF MARK W. SHEA**

I, Mark W. Shea, do hereby declare as follows:

1. I am the attorney of record in the matter herein, appointed to represent Christopher Sugar.
2. A suppression hearing is scheduled before this court on May 18, 2004.
3. The defendant is challenging the validity of the stop and search of a vehicle driven by Mr. Sugar.
4. I have reviewed discovery materials, including a police report that states that a police dog alerted to the presence of drugs outside the vehicle.
5. I have enlisted the services of Lawrence Myers, Ph.D.; an associate professor of physiology and pharmacology and Director of the Institute for Biological Detection Systems at Auburn University, who has extensive knowledge regarding the training and use of police dogs.
6. Dr. Myers's expertise would be used to assist the defendant in his case with regards to the reliability of police dog alerts and the police dog used in this case.
7. The defendant continues to seek discovery materials from the government regarding the police dog used in this case, "Nitro."
8. The Magistrate Judge has ordered that all discovery requests shall be made by May 5, 2004, the government shall respond by May 12, 2004 and any motions to compel

be filed by May 19, 2004.

9. The defendant requires additional time to obtain additional discovery and to allow Dr. Meyers to evaluate the materials and prepare for the suppression hearing.
10. The defendant is also seeking access to records of factually similar cases in Phelps County, Missouri involving the same Sheriff's Department.
11. The defendant has submitted a request to the Missouri court for these records; no response has been received.
12. This material is relevant to Mr. Sugar's case in order to show a pattern of pretextual stops by Sheriff Don Blankenship's department.
13. For all of these reasons, the defendant requests additional time to prepare for the suppression hearing.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct. Executed this \_\_\_\_ day of April, 2004.



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